

Exhibit

3



Joel B. Rothman

Board Certified in Intellectual Property Law

Direct: 561.404.4335

joel.rothman@sriplaw.com

February 23, 2021

VIA EMAIL: pizzalafelice@gmail.com

Mr. Gregory Kochetkov

La Felice Pizza

3324 Babcock Blvd

Pittsburgh, PA 15237

**Re: Adlife Marketing & Communications Co., Inc. v. La Felice Pizza
Our File No.: 00638-0060**

Dear Mr. Kochetkov,

We are a law firm making a claim on behalf of our client. We know that this is reaching you during a difficult and trying time and that you may have more pressing concerns. We appreciate that responding to this letter may not be your first priority. However, we must receive a response from you so that we know that you are taking this matter seriously, even if you need more time to hire a lawyer or report this claim to your insurance carrier. If we hear from you then we can work with you to understand your position and resolve our client's claim. Please respond to us.

We write on behalf of our client Adlife Marketing & Communications Co., Inc., a photograph licensing agent, for purposes of resolving a case of copyright infringement against you by our client. This demand is privileged from disclosure pursuant to FRE Rule 408.

Please provide this letter to your general liability insurance carriers or other providers of insurance that may cover this claim.

Adlife Marketing & Communications Co., Inc. ("AMCC")

AMCC is a retail food advertising company servicing retailers and wholesalers throughout the United States for almost 40 years. AMCC specializes in custom photography, full service design and production, web and print management, mobile technology, and proprietary digital advertising platforms.

AMCC retains all copyrights to its photographs. AMCC licenses its copyrighted Works, such as the one in this case, for commercial use.

CALIFORNIA

8730 Wilshire Boulevard
Suite 350
Beverly Hills, CA 90211

GEORGIA

12 Powder Springs St.
Suite 200
Marietta, GA 30064

FLORIDA

21301 Powerline Rd.
Suite 100
Boca Raton, FL 33433

TENNESSEE

818 18th Ave. S.
10th Floor
Nashville, TN 37203

NEW YORK

125 Maiden Lane
Suite 5C
New York, NY 10038

Mr. Gregory Kochetkov
La Felice Pizza
February 23, 2021
Page 2

AMCC created the image, hereinafter referred to as the "Work."

The Work at issue is shown below.



AMCC registered the Work with the Register of Copyrights on October 31, 2016 and was assigned the registration number VA 2-020-970, a copy of which is enclosed.

Infringement by La Felice Pizza ("Felice")

We have enclosed contemporaneous evidence of the infringement by Felice. In addition to the infringement, AMCC's photograph was very obviously cropped as shown on the attached. You have employed our client's Work in at least the manner indicated in the evidence attached. You are fully aware that the Work you used is our client's Work. No one from your company ever sought a license from our client to use the Work for any purpose.

You have copied, displayed and distributed our client's Work without permission, license or consent. The use of a creator's photographic image without written consent or license violates the United States Code, Title 17, and The Copyright Act. The Copyright Act provides for entry of an injunction directing removal of the offending materials pending litigation. This letter shall serve as formal notice that you immediately cease and desist all unauthorized uses of our client's Work. Any such further uses shall be at your peril.

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If you possess a contract, license, agreement or writing on which you will rely for authorization of your use of our client's Work, please provide us with this evidence so we may avoid further controversy or litigation. Otherwise, we will be forced to assume that your use violated the law.

Damages

Copyright law provides several different elements of compensation to AMCC when a work is infringed or altered. Section 504 permits AMCC to recover actual damages plus “any additional profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages,” or statutory damages of up to \$150,000 per work infringed if the registration predated the infringement. AMCC can present both damages theories to the jury and select the higher award any time prior to entry of judgment.

Academic studies have demonstrated that the use of good quality photographs more effectively market and advertise products and drive sales. AMCC's photographs are of the highest quality. AMCC's photographs are also scarce since it is one of the only sources of such quality photographs.

AMCC's damages are not limited to what it would have agreed to license the Work for prior to the infringement. Rather, AMCC's actual damages will be measured by the fair market value of the photograph considering Felice's use to sell and promote its business. AMCC's actual damages must be measured in light of Felice's use of AMCC's high quality and unique Work.

This is consistent with federal courts' approach to broadly construing the term “actual damages” to favor victims of infringement. See, e.g., *Davis v. Gap, Inc.*, 246 F.3d 152, 164 (2d Cir. 2001). The fair market value approach for calculating damages is an accepted approach to valuing the defendants' uses of photographs. See *Leonard v. Stemtech Int'l, Inc.*, Nos. 15-3198, 15-3247, 2016 U.S. App. LEXIS 15565 (3d Cir. Aug. 24, 2016). In addition, AMCC can offer evidence of the actual cost to take the photograph infringed on a time and materials basis.

Section 504 of the Copyright Act permits AMCC to recover actual damages plus “any additional profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages.” Therefore, AMCC will also be entitled to Felice's profits from the infringement, based upon the revenue Felice earned in connection with the use of AMCC's Work.

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La Felice Pizza
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Alternatively, AMCC could seek statutory damages for infringement in an amount of up to \$30,000 per work infringed if the registration predated the infringement. There is also the possibility that a judge or jury could determine that Felice's infringement was willful. If Felice's infringement was shown to be willful, the statutory damage award would increase to an amount up to \$150,000 per work infringed.

Demand

In order to determine how to proceed, please provide us with information and documents showing:

1. the full nature and extent of the use of our client's Work, in any and all formats;
2. representative copies in any and all tangible form and media in which our client's Work was incorporated or employed; and
3. the source of the Work.

Upon receipt of this information we will consider and determine an appropriate amount required to be paid to our client in compensation.

Please carefully consider this letter and the associated exhibits and provide them to your attorneys and insurance carriers. If we do not receive a response from you or a representative by March 8, 2021, we will take further steps to protect our client's rights. We look forward to your prompt response.

Sincerely,

SRIPLAW



Joel B. Rothman

JBR/tsu
Enclosures

CALIFORNIA

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Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Clayett

Acting United States Register of Copyrights and Director

Registration Number

VA 2-020-970

Effective Date of Registration:

October 31, 2016

Title

Title of Work: ADLIFE-COLLECTION-102616

Previous or Alternate Title: Group of photos published 01-19-1998 through 12-15-1998; about 220 photos total.

Content Title: Lobster017, 05-19-1998;
 Lobster018, 05-20-1998;
 LobsterCasserole001, 07-14-1998;
 Lobster020, 05-19-1998;

 Lobster023, 05-27-1998;
 LobsterBakedStuffed002, 11-24-1998;
 LobsterBoiled001, 02-15-1998;
 LobsterTailStuffed001, 12-07-1998;
 LobsterTail003, 09-09-1998;

 LobsterClaw003, 06-09-1998;
 LobsterCrabClaw003, 05-19-1998;
 LobsterTailSteamed001, 12-08-1998;
 LobsterShrimp001, 09-26-1998;

 LobsterSalad002, 02-11-1998;
 LobsterTail001, 02-13-1998;
 LobsterTail002, 02-14-1998;
 PlumRedBox002, 12-14-1998;
 MelonCantaloupe020, 05-09-1998;

 MelonCantaloupe021, 08-12-1998;
 Bagel001, 09-26-1998;
 Nectarine012, 05-06-1998;
 NectarineBasket001, 04-24-1998;
 Orange011, 03-26-1998;

 Orange016, 06-22-1998;
 CornBeefSandwichChips001, 11-14-1998;
 FriedRiceChinese001, 08-06-1998;
 OnionRing001, 08-13-1998;

 PickleFried001, 09-16-1998;
 PotatoesAuGratin001, 09-10-1998;
 SaladTaco001, 08-09-1998;
 SandwichHoagie001, 11-26-1998;
 SandwichSub001, 02-22-1998;

SoupChickenNoodle002, 11-27-1998;
CupcakesChristmas, 02-11-1998;
PieBostonCream001, 08-07-1998;
BeefDoubleCheeseburger001, 07-27-1998;

BeefHamburgerLoaded001, 06-25-1998;
BeefRoundRoast001, 11-16-1998;
ChickenFajita001, 11-12-1998;
PortChorizoCooked001, 03-12-1998;
Guacamole001, 07-12-1998;

Celery, 12-08-1998;
Bagel002, 08-14-1998;
Bagel004, 08-14-1998;
Bagel005, 12-13-1998;

Bagel006, 05-17-1998;
Bagel007, 10-08-1998;
Bagel008, 12-11-1998;
Bagel009, 10-18-1998;
BagelAlFresco001, 03-12-1998;

BagelBlueberry001, 05-14-1998;
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BagelButterOJ001, 05-15-1998;
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BagelButterOJ003, 05-15-1998;
BagelButterOJ004, 05-15-1998;
BagelChips001, 08-14-1998;
BagelChocolateChip001, 07-14-1998;
BagelChocolateChip002, 05-14-1998;

BagelChocolateChip003, 12-07-1998;
BagelCreamCheese002, 08-14-1998;
BagelCreamCheese003, 08-14-1998;
BagelCreamCheese004, 08-14-1998;
BagelCreamCheese005, 11-12-1998;

BagelCreamCheese006, 05-14-1998;
BagelCreamCheese007, 12-06-1998;
BagelCreamCheeseMilk001, 08-27-1998;
BagelCreamCheeseMilkFruit001, 08-27-1998;

BagelNewYorkStyle001, 08-14-1998;
BagelRollKnotted001, 05-11-1998;
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Baklava001, 09-24-1998;
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Biscuit002, 04-08-1998;



Biscuit003, 04-08-1998;
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CookiePumpkin001, 11-20-1998;
CookiePretzel001, 04-08-1998;
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CookieAsst011, 09-21-1998;
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 CookieAsst009, 10-11-1998;
 CookieAsst008, 11-08-1998.

Completion/Publication

Year of Completion: 1998
Date of 1st Publication: January 19, 1998
Nation of 1st Publication: United States

Author

- **Author:** ADLIFE Marketing & Communications Co., Inc, Employer-for-Hire of Joel Albrizio
- Author Created:** photograph
- Work made for hire:** Yes
- Domiciled in:** United States

Copyright Claimant

Copyright Claimant: Adlife Marketing & Communications Co., Inc.

0000VA00020209700504

38 CHURCH ST, PAWTUCKET, RI, 02860-3906, United States

Rights and Permissions

Organization Name: SHORES & OLIVER, PC
Name: Milton M. Oliver. Esq.
Email: milton.oliver@shoresoliver.com
Telephone: (774)521-3058
Alt. Telephone: (781)910-9664
Address: PO BOX 790
COTUIT, MA 02635-0790 United States

Certification

Name: MILTON M. OLIVER, Esq.
Date: October 28, 2016
Applicant's Tracking Number: 873-057-316

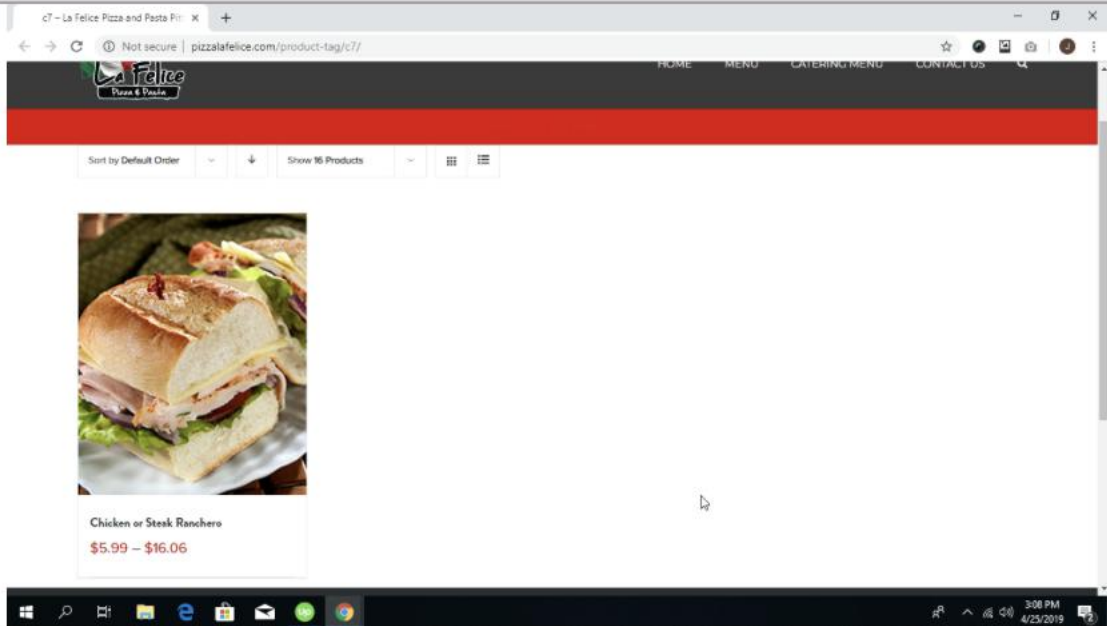
Correspondence: Yes
Copyright Office notes: Regarding publication: range of publication dates is 1/19/98 to 12/15/1998

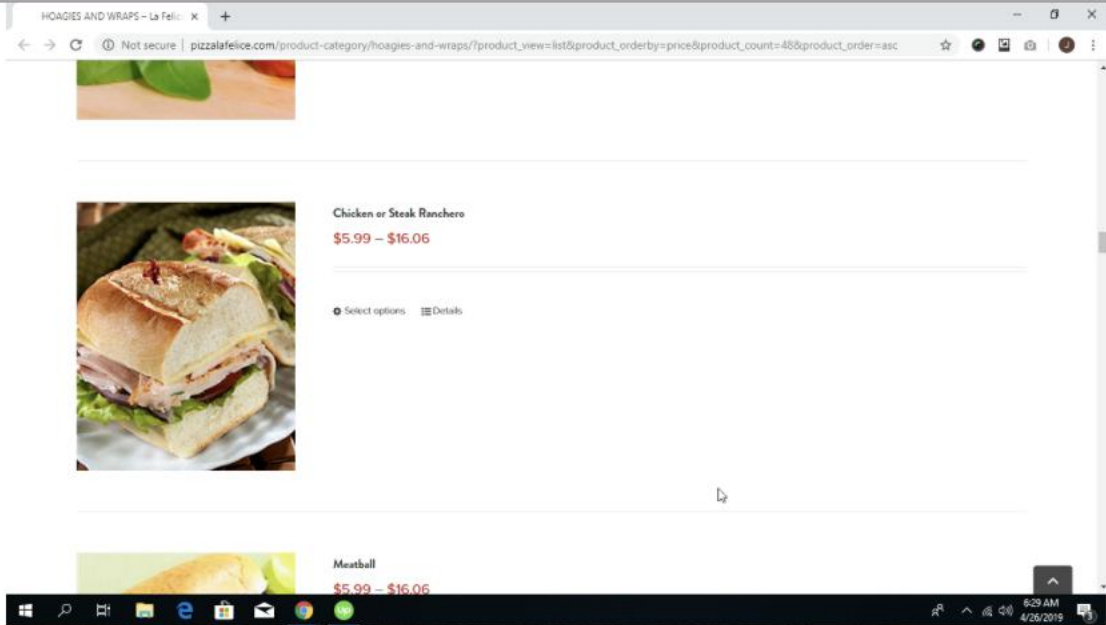


0000VA00020209700505

Registration #: . VA0002020970
Service Request #: 1-4111494131

SHORES & OLIVER, PC
Milton M. Oliver. Esq.
PO BOX 790
COTUIT, MA 02635-0790 United States









HOAGIES AND WRAPS - La Felice

Not secure | pizzalafelice.com/product-category/hoagies-and-wraps/?product_orderby=price

HOME MENU CATERING MENU CONTACT US





Sort by Price Show 16 Products

			
Chicken \$5.99 - \$16.06	Fish \$5.99 - \$16.06	Chicken Parmesan \$5.99 - \$16.06	Chicken or Steak Ranchero \$5.99 - \$16.06

6:38 AM 4/26/2019

HOAGIES AND WRAPS - La Felice x









Not secure | pizzalafelice.com/product-category/hoagies-and-wraps/

Buffalo Chicken \$5.99 - \$16.06	Cheeseburger \$5.99 - \$16.06	Chicken \$5.99 - \$16.06	Chicken Caesar \$6.99
			
Chicken or Buffalo Chicken \$6.99	Chicken or Steak Ranchero \$5.99 - \$16.06	Chicken Parmesan \$5.99 - \$16.06	Chili Chicken \$6.99

10:35 AM
7/4/2019

HOAGIES AND WRAPS - Page 2 - x


Not secure | pizzalafelice.com/product-category/hoagies-and-wraps/page/2/?product_orderby=rating

 <p>Ham & Cheese \$5.99 – \$16.06</p>	 <p>Turkey \$5.99 – \$16.06</p>	 <p>Meatball \$5.99 – \$16.06</p>	 <p>Hot Sausage \$5.99 – \$16.06</p>
 <p>Chicken or Steak Ranchero \$5.99 – \$16.06</p>	 <p>Chicken Parmesan \$5.99 – \$16.06</p>	 <p>Chicken \$5.99 – \$16.06</p>	 <p>Cheeseburger \$5.99 – \$16.06</p>

Windows taskbar: 10:31 AM 7/4/2019

Chicken or Steak Ranchero - La

Not secure | pizzalafelice.com/product/chicken-or-steak-ranchero/



Chicken or Steak Ranchero

\$5.99 – \$16.06

Size

Choose an option

Extra Cheese

Choose an option

Extra Meat

Choose an option

Extra Vegetables

Choose an option

SKU: N/A
Categories: CLASSIC HOAGIES, HOAGIES AND WRAPS
Tag: c7



9:11 AM
10/16/2018



dec7e1452b2663ae81da

HOAGIES AND WRAPS - La Fe
pizzalafelice.com/product-category/hoagies-and-wraps/?product_orderby=price&product_order=asc&product_view=list&product_count=32



Select options Details



Chicken or Steak Ranchero

\$5.99 - \$16.06

Select options Details



Meatball

\$5.99 - \$16.06

Wednesday, October 17, 2018

View as Analog

✓ View as Digital

Open Date & Time Preferences...



Joel B. Rothman

Board Certified in Intellectual Property Law

Direct: 561.404.4335

joel.rothman@sriplaw.com

March 11, 2021

VIA EMAIL: pizzalafelice@gmail.com

Mr. Gregory Kochetkov

La Felice Pizza

3324 Babcock Blvd

Pittsburgh, PA 15237

Re: Adlife Marketing & Communications Co., Inc. v. La Felice Pizza

Our File No.: 00638-0060

Dear Mr. Kochetkov,

We are a law firm making a claim on behalf of our client. We know that this is reaching you during a difficult and trying time and that you may have more pressing concerns. We appreciate that responding to this letter may not be your first priority. However, we must receive a response from you so that we know that you are taking this matter seriously, even if you need more time to hire a lawyer or report this claim to your insurance carrier. If we hear from you then we can work with you to understand your position and resolve our client's claim. Please respond to us.

We write this follow up letter on behalf of our client Adlife Marketing & Communications Co., Inc., for the purposes of resolving a case of copyright infringement against you by our client. This demand is privileged from disclosure pursuant to FRE Rule 408.

Enclosed please find our prior letter dated February 23, 2021, wherein we detailed the basis of the copyright infringement claim against you, including the evidence of infringement.

We note that a review of the accused infringing webpage shows that the infringement has been removed. However, this does not dispose of our client's claim. It is imperative that you respond to us. If we do not hear back from you, we will be forced to take further steps to protect our client's rights including by filing a lawsuit against you. We also repeat our demand that you tender this claim to your insurance carrier.

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La Felice Pizza
March 11, 2021
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We look forward to your prompt response.

Sincerely,

SRIPLAW



Joel B. Rothman

JBR/tsu

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